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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,356	12/01/2003	Michael M. Song	49595.5.1	1292
22859	7590	01/25/2006	EXAMINER	
INTELLECTUAL PROPERTY GROUP FREDRIKSON & BYRON, P.A. 200 SOUTH SIXTH STREET SUITE 4000 MINNEAPOLIS, MN 55402			BOEHLER, ANNE MARIE M	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,356	Applicant(s) SONG ET AL.	
	Examiner Anne Marie M. Boehler	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over JA 3-213,483 in view of Nagashima (USPN 4,753,448)

JA'483 shows a motorcycle with a frame having a head tube 2, a steering fork 13, and lower and upper triple clamps 15, 14, fastened to the head tube. Handlebar clamps include riser tubes 17, 19, 22 each having a lower surface operatively coupled to the upper triple clamp 14 and an upper surface (top of 19) coupled to a riser cap 20. Fasteners 21 couple the riser tubes and riser caps. A handlebar 18 is held in first and second recesses formed in the risers and caps. Each fastener 21 is a threaded bolt that extends through the cap into a boss in the corresponding rider tube.

JA -684 shows the fasteners to be accessible from the top rather than the bottom of the handlebar clamp.

Nagashima shows a handlebar clamp including a number of fasteners (threaded bolts 15) that extends through an aperture in a lower clamp element 2A into a threaded boss in an upper clamp element (cap 2B) to hold a handlebar 1 there between. The fasteners are only accessible and visible from below.

It would have been obvious to replace top access handlebar clamp, as taught by JA '684 with a second, bottom access clamp, in view of Nagashima, in order to provide a smoother, more attractive appearing handlebar clamping assembly. It would also have been obvious to secure the riser tube to the motorcycle before the securing the riser cap to the riser tube, in order to replace the handlebar once the riser tube is in place.

3. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over JA 3-213,483 in view of Borromeo (USPN 4,794,815).

JA'483 shows a motorcycle with a frame having a head tube 2, a steering fork 13, and lower and upper triple clamps 15, 14, fastened to the head tube. Handlebar clamps include riser tubes 17, 19, 22 each having a lower surface operatively coupled to the upper triple clamp 14 and an upper surface (top of 19) coupled to a riser cap 20. Fasteners 21 couple the riser tubes and riser caps. A handlebar 18 is held in first and second recesses formed in the risers and caps. Each fastener 21 is a threaded bolt that extends through the cap into a boss in the corresponding rider tube.

JA -684 shows the fasteners to be accessible from the top rather than the bottom of the handlebar clamp.

Borromeo shows a handlebar clamp including a fastener (threaded bolt 20) that extends through an aperture in a lower clamp element 9 into a threaded boss in an upper clamp element 8 to hold a handlebar M there between. The fasteners are only accessible and visible from below and the lower end of the bolt fastener is recessed into

the lower clamp element and its visible outer end is aligned with the lowermost portion of the lower clamp element.

Regarding the method of claims 14 and 15, it would have been obvious to replace a top access handlebar clamp, as taught by JA-684 with a second, bottom access clamp, in view of Nagashima, in order to provide a smoother, more attractive appearing handlebar clamping assembly. It would also have been obvious to secure the riser tube to the motorcycle before the securing the riser cap to the riser tube, in order to replace the handlebar once the riser tube is in place.

4. Claims 1-13 and 18-21 are allowed.
5. Applicant's arguments filed October 27, 2005 have been fully considered but they are not persuasive.

Applicant argues that the combination would not meet claims in that it lacks a reasonable expectation of success for securing the riser cap after securing the rise tube because of the limited space between the triple clamp and the riser tube. The examiner disagrees. Each of the secondary references shows an overhang that spaces the fastener from the vertical portion of the riser tube that would interfere with installation of the fastener. The examiner maintains that one of ordinary skill in the art would have understood that a larger extension area of the rider tube would advantageously provide convenient access to the fasteners from below. Therefore, the rejection is being maintained.

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Applicant argues that Borromeo lacks a pair of fasteners. However, the JA -684 reference shows a pair of fasteners that are longitudinally aligned and aligned with the centerline of the riser tube.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 1/20/05

Anne Marie M Boehler
Primary Examiner
Art Unit 3611

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